REMARKS

This communication is filed in response to the second non-final Official Action of this request for continued examination (RCE). The second Official Action now once again rejects Claims 1-31 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,442,526 to Vance et al. As explained below, however, Applicants respectfully submit that the claimed invention of the present invention is patentably distinct from the Vance patent. Thus, Applicants respectfully traverse the rejection of the claims as being anticipated by the Vance patent. In view of the remarks presented below, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application.

I. Claims 32 – 45

Initially, Applicants note that the present application includes pending Claims 1-45. And although the Official Action substantively rejects Claims 1-31 as being anticipated by the Vance patent, the second Official Action has failed to establish *prima facie* anticipation or obviousness of the remaining claims, namely Claims 32-45. As stated in the MPEP, anticipation of the claimed invention requires the cited reference to explicitly or inherently teach each and every element of the claimed invention. MPEP § 2131. Likewise, all of the elements of a claimed invention must be taught or suggested by the prior art to establish *prima facie* obviousness of a claimed invention. MPEP § 2143.03 (*citing In re* Royka, 490 F.2d 981 (CCPA 1974)). In the instant case, however, the Official Action fails to allege prior art, including the Vance patent or any other prior art, that teach or suggest all of the elements of any of Claims 32-45. Accordingly, Applicants respectfully request substantive examination of Claims 32-45, and in the absence of prior art teaching or suggesting each and every element, allowance of the respective claims.

II. Claims 1 – 31

The present invention is generally directed to display of desired fares, such as a lowest fare, to a user based on a user query. The invention receives a departure and destination from the user. From this, the system determines a desired fare between the departure and destination. As

is understood, a fare may apply to several itineraries for different times and even different days. The system seeks to organize the various options for the fare for the user. Specifically, the system displays the fare in a calendar based system indicating the departure and return days that the fare is available. This allows the user to more easily decide on which departure and returns days the desirable fare is available and may be booked.

As indicated above, the second Official Action rejects Claims 1-31 under 35 U.S.C. § 102(e) as being anticipated by the Vance patent. In this regard, the Vance patent discloses a system and method for processing travel data and travel receipts. As disclosed, the system receives travel data that includes one or more travel segments. The system also receives receipts for the trip, which can be received from a credit card provider. The received travel data and receipts can be converted into a predefined format, with the converted information thereafter compared to match information in the travel data and receipts, such as by chain codes or dates of travel. Then, a list of matching data can be output, such as for use in preparing an expense report.

A. Claims 1-12 Are Patentably Distinct from the Vance Patent

Independent Claims 1 and 7 of the present application provide a method and apparatus for processing a query of a travel database. As recited, the method includes receiving a selected arrival and departure locations, and thereafter finding a set of desirable fares between the arrival and departure locations. Possible itineraries are constructed between the arrival and departure locations associated with the desirable fares. A set of rules are then applied to the possible itineraries. As explained in the specification, for example, one or more rules can include a minimum and/or maximum number of required stays, advanced purchase requirements or the like. Irrespective of the rules, however, the method further includes querying an availability portion of the travel database for available travel units (e.g., available seats of an aircraft) based upon the applied set of rules and the possible itineraries. Thereafter, the available travel units are displayed in at least a portion of a calendar of a calendar-based user interface.

With regard to Claims 1 and 7, the Official Action alleges that Figure 14D of Vance teaches display of available travel units in a calendar. Applicants respectfully disagree. Figure

14D of Vance discloses the display of possible itineraries with no reference to the fare in a pop up window, not a calendar, as is recited in independent Claims 1 and 7.

As previously explained, in contrast to the method and apparatus of independent Claims 1 and 7, the Vance patent does not teach or suggest displaying available travel units in a calendar-based user interface. The Vance patent does disclose a graphical user interface of a trip planning module, where the graphical user interface includes a calendar for displaying components of a trip planned by a user, such as by displaying a selected flight, hotel, and/or rental car. However, the graphical user interface of the Vance patent does not display available travel units (e.g., available seats), as does the claimed invention of independent Claims 1 and 7. Instead, the graphical user interface of the Vance patent displays only those components of a trip selected by the user.

Applicants further note that none of the other figures of Vance teach display of available travel units in a calendar. For example, Figures 14 E, H, and K nowhere teach or suggest display of available travel units in a calendar. Instead, the aircraft icons in these figures represent flights that have been booked by the user, not flights that are available. In this regard, Vance does not use a calendar as a tool for allowing the user to locate flights (travel units) that match a desired fare, but rather Vance discloses the use of an electronic calendar for travel planning, but does not teach or suggest that the calendar may help the user identify the proper dates to travel to obtain the desired fare. Simply stated, in accordance with one embodiment of the invention of the present application, if the user has only $300 to spend on airfare, the user is presented with a calendar including the dates he/she can find available flights for just that price.

The Examiner may be inclined to think that these distinctions are trivial, but they are not. There is a fundamental difference between the claimed invention and the system of Vance. Vance is directed to displaying on a calendar flights and reservations after they have been booked. There is no discussion in Vance about the problems of displaying a fare that may be available for various departure and return dates to a user in a meaningful way. The claimed invention, on the other hand, realizes this issue and provides a solution by displaying the available dates for the fare in a calendar, so that the user can visually determine desired departure and return dates.

Generally, the calendar disclosed by the Vance patent provides an indication of reserved components of a travel itinerary, including an aircraft icon to indicate a flight reservation for a given day and a hotel icon for a hotel reservation for a given day (see FIG. 14K). Therefore, the Vance patent does not teach or suggest that the calendar includes an indication of whether a travel unit is allowed on a pre-specified day based on a set of rules, as further recited by dependent Claims 3 and 9. Similarly, the Vance patent does not teach or suggest that the calendar includes an indication of whether a travel unit is available and/or sold out, as recited by dependent Claims 4 and 10. Further, the Vance patent does not teach or suggest that the calendar includes user-selectable hyperlinks for selecting a desired travel date, as recited by dependent Claims 6 and 12 (reciting a display as including the respective elements, the display being of at least a portion of the calendar per dependent Claims 5 and 11).

Applicants therefore again respectfully submit that the method and apparatus of independent Claims 1 and 7, and by dependency Claims 2-6 and 8-12, are patentably distinct from the Vance patent. As such, Applicants respectfully submit that the rejection of Claims 1-12 under 35 U.S.C. § 102(e) as being anticipated by the Vance patent is overcome.

B. Claims 13-19 Are Patentably Distinct from the Vance Patent

Independent Claim 13 of the present application recites a calendar-based user interface for displaying query results from a database containing travel data. The user interface includes a calendar showing a plurality of days corresponding to the query, and availability and applicability indicators for each of the days. As recited, the availability indicator for each day shows available itineraries relating to the query. The applicability indicator for each day, on the other hand, shows itineraries relating to the query that apply based on a set of rules and restrictions from travel providers.

In contrast to independent Claim 13, the Vance patent does not teach or suggest a user interface including a calendar, and an availability indicator for each day of the calendar that shows available itineraries relating to a query. Also, the Vance patent does not teach or suggest a user interface that includes an applicability indicator for each day of the calendar that shows itineraries that apply based on a set of rules and restrictions from travel providers. As explained

above and in response to the first Official Action with respect to Claims 1-12, the Vance patent does disclose a graphical user interface including a calendar. The calendar of the Vance patent, however, displays components of a trip planned by a user, such as by displaying a reserved flight, hotel, and/or rental car. The calendar of the Vance patent does not display, for each day, available fares relating to a query or itineraries related to the query that apply based on a set of rules and restrictions from travel providers, as recited by independent Claim 13.

The Vance patent does disclose a graphical user interface that shows a listing (not a calendar) of a number of flights between selected origination and destination locations (see FIG. 14D) including the availability of those flights. However, even the listing only shows those flights for a single date (see FIG. 14C), and not for each date of a calendar, as recited by independent Claim 13.

Thus, Applicants again respectfully submit that the user interface of independent Claim 13, and by dependency Claims 14-19, is patentably distinct from the Vance patent. Applicants therefore respectfully submit that the rejection of Claims 13-19 under 35 U.S.C. § 102(e) as being anticipated by the Vance patent is overcome.

C. Claims 20-31 Are Patentably Distinct from the Vance Patent

Independent Claims 20 and 26 recite a method and apparatus for administering an availability portion of a relational travel database. As recited, the method includes receiving an availability message from a first travel provider. The availability message is then analyzed to determine one or more affected travel segments. A schedule portion of the relational travel database is queried for the one or more affected travel segments. Thereafter, if the one or more affected travel segments are found in the schedule portion of the relational database, a record is written to an availability portion of the relational database based on a status portion of the availability message.

In contrast to independent Claims 20 and 26, the Vance patent does not teach or suggest a method or apparatus for administering an availability portion of a relational travel database, much less such a method or apparatus that includes receiving an availability message, analyzing the availability message, and writing a record to the availability portion of the relational

database. The Official Action alleges that by disclosing the BargainFinderPlus feature of the Vance patent (see FIGS. 14P-14S), the Vance patent discloses analyzing an availability message to determine one or more affected travel segments, querying a schedule portion of a relational travel database for the affected travel segment(s), and writing a record to an availability portion of the relational database based on a status portion of the availability message if affected travel segment(s) are found in the schedule portion.

Applicants respectfully submit, however, that instead of disclosing a technique for administering an availability portion of a relational travel database, the Vance patent discloses a feature that permits a user to search for flights priced lower than a selected flight. Vance Patent col. 12, ll. 6-20. If the user then desires to select a lower priced flight, the Vance system updates the user's travel log to reflect the changed flight. In this regard, as the user searches for lower priced flights based on a flight already selected, and receives a list of available lower priced flights, the BargainFinderPlus feature of the Vance patent cannot be considered a technique for administering the availability portion of a relational travel database, as does the claimed invention of independent Claims 20 and 26. More particularly, for example, the BargainFinderPlus feature cannot be considered to include receiving an availability message from a travel provider, the availability message then being analyzed to determine one or more affected travel segments. In this regard, any messages in the BargainFinderPlus feature of the Vance patent are received from the user, although in that instance the user is searching for lower priced flights, and not available flights since the user has already selected an available flight (that being compared for lower priced flights).

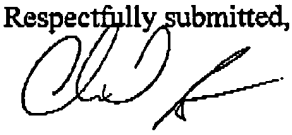
As the Vance patent does not teach or suggest a method or apparatus for administering an availability portion of a relational travel database, Applicants again respectfully submit that the invention of independent Claims 20 and 26, and by dependency Claims 21-25 and 27-31, is patentably distinct from the Vance patent. Applicants therefore respectfully submit that the rejection of Claims 20-31 under 35 U.S.C. § 102(e) as being anticipated by the Vance patent is overcome.

CONCLUSION

In view of the remarks presented above, Applicants respectfully submit that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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